Application Number 10/676,187
Amendment in response to Office Action mailed May 9, 2006

REMARKS

This Amendment is responsive to the Office Action dated May 9, 2006. Applicant has amended claims 1, 2, 8, 12, 14, 15, 20 and 23-27. Claims 1-30 are pending.

Restriction Under 35 U.S.C. § 121

In the Office Action, the Examiner restricted claims 1-30 under 35 U.S.C. § 121 as follows:

Group I.   Claims 1-22 and 27-30, drawn to a system and method for electronic commerce, classified in class 705, subclass 26.

Group II.   Claims 23-26, drawn to an electronic commerce system, classified in class 705, subclass 5.

Applicant has amended claims 23-26 to overcome this restriction under 35 U.S.C. § 121. Claims 23-26, as amended, describe a system and method for electronic commerce. Therefore, the amended claims meet the requirements for classification in class 705, subclass 26. Withdrawal of this restriction is requested.

Claim Objections

In the Office Action, the Examiner objected to claim 12 because it depended on itself. Claim 12 has been amended to depend on claim 11. Withdrawal of this objection is requested.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-3, 6-16, 19-22, and 27-30 under 35 U.S.C. 102(b) as being anticipated by Maggioncalda et al. (US 6,012,044, herein referred to as Maggioncalda). Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Maggioncalda fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

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Claims 1, 14 and 27

Maggioncalda fails to teach or suggest presenting a user interface that includes a plurality of graphical indicators adjustable by a user, wherein the graphical indicators represent ranges of options associated with a set of items available from an electronic commerce system, receiving input from a user that adjusts one of the graphical indicators within the respective range, selecting one of the items from the set based on the graphical indicator adjusted by the user, and automatically adjusting at least one of the graphical indicators not adjusted by the user based on the selected one of the items, as required by Applicant's amended independent claims 1, 14 and 27.

Maggioncalda describes a system in which a set of output values are modified based on the settings associated with a graphical input mechanism. In Maggioncalda, a first visual indication includes input mechanisms and a second visual indication includes a set of output values that are based upon the input decisions. (See Abstract of Maggioncalda) In contrast, Applicant's independent claims require at least one graphical indicator, which is adjustable by a user, to be automatically adjusted based on an input received from a user via another graphical indicator and the item selected based on the user's input. Maggioncalda makes no mention of a graphical indicator that is automatically adjusted based on an input received from a user for another setting. In particular, in Maggioncalda, the selectable settings associated with the graphical input mechanism are not adjusted based upon settings that have already been selected by the user.

In fact, Maggioncalda only suggests constraining the input settings by constraining the settings relating to financial risk based upon a set of available financial products prior to any user input. In FIG. 5B of Maggioncalda (which was cited by the Examiner), the left most setting of the financial risk slider bar corresponds to the lowest volatility mix of financial products, and the right most setting of the financial risk slider bar corresponds to the highest volatility mix of financial products. However, in Maggioncalda, the user is prevented from selecting a level of risk outside of the feasible set of risk that is actually available. (See Column 2, lines 56-67; column 10, lines 33-36; column 11, lines 55-57; and column 12, lines 9-12) Thus, in Maggioncalda the settings on the financial risk slider bar are determined prior to any user selection to prevent the user from selecting an unfeasible level of risk. Additionally, the settings

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in Maggioncalda are based upon the range of financial products available, a factor that is not selectable by the user.

Accordingly, Maggioncalda fails to disclose or suggest automatically adjusting at least one of the graphical indicators not adjusted by a user based on an item selected from a set in response to the user adjusting one of the graphical indicators, as required by Applicant's independent claims 1, 14 and 27, as amended. Withdrawal of this rejection is requested.

Claims 2 and 15

Claims 2 and 15 are dependent upon claims 1 and 14 respectively. As amended, claims 2 and 15 further require that the graphical indicators include set points having adjustable positions within the represented ranges, wherein the set points represent a current value or position within the represented ranges. In addition, these claims require the automatic adjustment of at least one of the graphical indicators to comprise re-computation of the positions for the set points associated with one or more of the graphical indicators.

Claims 2 and 15 should be allowable for at least the reasons addressed above with respect to the independent claims insofar as Maggioncalda fails to disclose or suggest automatically adjusting a graphical indicator adjustable by a user based on an item selected from a set in response to a user adjusting one of the graphical indicators. For example, in Maggioncalda, the selectable settings associated with the graphical input mechanism are not adjusted based upon settings that have already been selected by the user. Instead, a set of output values are modified based on the settings associated with a graphical input mechanism.

Additionally, Maggioncalda only suggests constraining the input settings by constraining the settings relating to financial risk based upon a set of available financial products prior to any user input. The input settings relating to financial risk are determined prior to any user input, are not adjusted in response to a user adjusting a graphical indicator, and are based upon the range of financial products available, a factor that is not selectable by the user. Maggioncalda fails to meet the requirements of Applicant's independent claims and also does not disclose or suggest that automatically adjusting the graphical indicator comprises re-computing the positions for the set points associated with the graphical indicator, wherein the set points have adjustable positions

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within the represented ranges, as required by Applicant's dependent claims 2 and 15. For these additional reasons, withdrawal of the rejections of claims 2 and 15 is requested.

Claims 6-8 and 19

Applicant's dependent claim 6 requires that selecting one of the items comprises prioritizing the set points into higher priority set points and lower priority set points, and selecting the item from the set of items to minimize a change to the positions of the higher priority set points. Applicant's dependent claims 7 and 19 further require input from the user that defines priorities for the set points, and Applicant's dependent claim 8, as amended, requires that prioritizing the set points comprises prioritizing the set points that have been recently adjusted by the user.

In support of the rejections of dependent claims 6-8 and 19, the Examiner stated that when a user of the Maggioncalda system indicates a preference for risk by placing the indicator on the risk slider bar at a set level, he or she places priority on that set point (See column 3, lines 13-22). The Examiner has misinterpreted the language of the Applicant's claims. Applicant's claims 6-8 and 19 describe graphical indicators that include set points having adjustable positions within the represented ranges. The Examiner seems to have interpreted any selectable position within the allowed range as a set point. In response, Applicant has amended claim 2 to further clarify that the set points represent current values or positions within the represented ranges.

The Examiner also equated selecting a set point from the range of selectable positions for a graphical indicator with prioritizing the set points into higher priority set points and lower priority set points. However, Applicant's claims 6-9 and 19 require that the set points representing currently selected values or positions, not the range of selectable positions, be prioritized into higher and lower priority set points. For this additional reason, claims 6-9 and 19 should be allowed.

Maggioncalda does not disclose or suggest placing different priority on the currently selected values or positions associated with the user adjustable graphical indicators. The output of the Maggioncalda system is based on all of the inputs selected, and higher priority is not given to any of the selected input values. Indeed, Maggioncalda fails to disclose or suggest prioritizing set points whatsoever. Additionally, Maggioncalda does not disclose or suggest receiving input

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from the user that defines the priorities, as required by Applicant's claims 7 and 19, or

prioritizing the set points that have been recently adjusted by the user, as required by Applicant's

claim 8. Therefore, Maggioncalda fails to disclose or suggest the requirements of Applicant's

claims 6-8 and 19. Withdrawal of these rejections is requested.

In summary, Maggioncalda fails to disclose each and every limitation set forth in claims

1-3, 6-16, 19-22 and 27-30. For at least these reasons, the Examiner has failed to establish a

prima facie case for anticipation of Applicant's claims 1-3, 6-16, 19-22 and 27-30 under 35

U.S.C. 102(b). Withdrawal of these rejections is requested.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 4 and 17 under 35 U.S.C. 103(a) as

being unpatentable over Maggioncalda in view of Tsuda et al. (US 2002/0184107, herein referred

to a Tsuda); and rejected claims 5 and 18 under 35 U.S.C. 103(a) as being unpatentable over

Maggioncalda in view of Egashira et al. (US 2002/0046134, herein referred to as Egashira).

Applicant respectfully traverses these rejections.

Claims 4 and 17 are dependent upon claims 1 and 14, respectively. Similarly, claims 5

and 18 are dependent upon claims 1 and 14, respectively. As addressed above, the Maggioncalda

fails to disclose or suggest the features of independent claims 1 and 14. Furthermore, neither of

the secondary references (Tsuda or Egashira) overcome the deficiencies of Maggioncalda

addressed above with respect to the independent claims.

For at least these reasons, a prima facie case for non-patentability of Applicant's claims 4,

5, 17 and 18 under 35 U.S.C. 103(a) has not been established. Accordingly, withdrawal of these

rejections is requested.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully

requests reconsideration and prompt allowance of all pending claims. In view of the distinctions

addressed above between the current claims and the applied prior art, Applicant reserves further

comment at this time on any other features of the independent or dependent claims. However,

Applicant does not necessarily acquiesce in any of the rejections or the Examiner interpretations
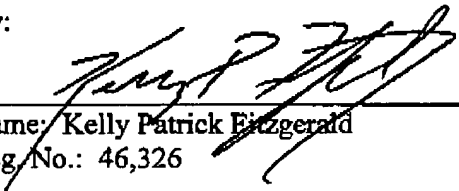
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of the applied references. Applicant reserves the right to present addition arguments with respect to any of the independent or dependent claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

Aug. 9, 2006

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